

# TOWN OF MARION WATERWAYS REGULATIONS

Original Regulations adopted – May 8, 1984

Revised – January 22, 1996

Revised – February 25, 1997

Revised - February 7, 2000

Revised – January 23, 2001

Revised – April 22, 2002

Revised & Approved by the Board of Selectmen – March 4, 2003

Revised & Approved by the Board of Selectmen – February 15, 2005

Revised & Approved by the Board of Selectmen – December 9, 2005

Revised & Approved by the Board of Selectmen – April 4, 2006

Revised & Approved by the Board of Selectmen - February 20, 2007

Revised & Approved by the Board of Selectmen – August 5, 2008

Revised & Approved by the Board of Selectmen - February 24, 2010

Revised & Approved by the Board of Selectmen - December 19, 2011

Revised & Approved by the Board of Selectmen – May 3, 2016

Revised & Approved by the Board of Selectmen – December 16, 2016

Revised & Approved by the Board of Selectmen – January 22, 2019

Revised & Approved by the Select Board – January 18, 2022

## I. PURPOSE

The purpose of these Regulations is to standardize mooring practices, out-haul and float installations, maintain adequate space for moorings, and to fully utilize the limited area in Marion waters while maintaining safety practices. Copies of these regulations are available from the Harbormaster or at the Marion Town House.

## II. DEFINITIONS

- A. “Certified Inspector” shall mean any person approved and appointed as an inspector of tackle by the Harbormaster.
- B. “Commercial Mooring” shall mean any mooring placed in Marion waters for which a rental fee may be charged.
- C. “Float” any structure placed in Marion waters, suitable to walk on, dive from, tie up to, whether seasonal or year round, occupying water surface.
- D. “Harbormaster” shall mean the Harbormaster appointed by the Board of Selectmen.
- E. “Harbor Permit” shall mean a permit held, by an individual or business for a mooring, out-haul and/or float in the Town of Marion.
- F. “Headway Speed” shall mean the slowest speed at which a vessel may be operated at and still maintain steering.
- G. “Helix Anchor” shall mean an embedded anchor which is screwed into the bottom to a specified level of torque.
- H. “Marion waters” shall mean all waters within Town boundaries.
- I. “Marina” a berthing area with docking facilities under common ownership or control with berths for five or more vessels including commercial marinas, boat basins, and yacht clubs. A marina may

be an independent facility or be associated with a boat yard.

- J. "Mooring" any device installed in the waters of the Town of Marion to hold a permitted vessel or structure, in a location.
- K. "Mooring areas" shall mean those portions of Marion waters which shall be designated as such by the Board of Selectmen, as approved by the U. S. Army Corps of Engineers.
- L. "Mooring year" will date annually from April 1st through March 31st and is the period for which a mooring space, float or out-haul is assigned.
- M. "Out-hauls" a system of ropes and pulleys secured to either a float or shoreline and a mooring to move a vessel back and forth to deeper water.
- N. "Permit Holder" shall mean the holder of a mooring space, float and/or out-haul assigned to him or her by the Harbormaster for the habitual mooring of his vessel.
- O. "Personal Mooring" shall mean any mooring placed in Marion waters for the permit holder's personal use as the habitual mooring for his vessel.
- P. "Resident" shall mean a person who proves they are either legally domiciled or own taxable real estate with a dwelling in the Town of Marion.
- Q. "Vessel" every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on the water.

### III. REGISTRATION, RE-REGISTRATION, AND PLACEMENT OF MOORINGS, FLOATS AND OUT-HAULS

#### A. *Registration of mooring space, floats and out-hauls*

- 1) Previously registered moorings, floats and out-hauls: Harbor Permit re-registration invoices will be mailed on April 1st of each year to all permit holders of record. Completed invoices, including fee payments, must be postmarked or received in hand by May 15th.
- 2) The mailing address is:

TOWN OF MARION – MOORINGS  
2 SPRING STREET  
MARION, MA 02738
- 3) Proof of payment of boat excise tax {Form 60B}, as required by M. G. L. c. 60B, Sec. 2, may be required to accompany any application for mooring registration or re-registration. ***Failure To Provide Evidence Of Payment Or To Submit An Application For Re-Registration May Result In The Loss Of Mooring Space.***
- 4) All Harbor permits issued shall expire on the 31st of March following the year of issue.
- 5) No mooring permit shall be transferable EXCEPT WITHIN THE IMMEDIATE FAMILY. The immediate family shall include brother, sister, children, mother, father, spouse, or lineal descendants
- 6) Personal moorings are limited to one per boat. Storm and/or guest moorings are not allowed. Personal moorings are for the use of the permit holder's personal vessel only. Failure to comply with this Regulation will result in forfeiture of the mooring permit.

- 7) Requests for space: All requests for moorings, relocations, boat increases, floats, and out-hauls shall be made on a Town issued application for a fee of \$ 15.00.
- 8) Applicants wishing to retain their spot on the Mooring Waiting List must reapply on an annual basis for a fee of \$ 5.00.
- 9) Applications will be mailed out no later than September 30th of each year to all applicants on record. Completed applications, including fee payments, must be postmarked or received in hand by October 15th. Failure to reapply or pay the annual \$ 5.00 fee will result in your removal from the waiting list.
- 10) The minimum age of applying for a mooring is eighteen {18} years old. Applicant must be a Massachusetts Resident and have no other moorings in Marion Waters.
- 11) Only one application per household is permitted. Applications are available at the Marion Town House or from the Harbormaster.
- 12) Relocation application: A registered permit holder who wishes a new location shall file a Town-issued application form to request relocation. All mooring relocation applications shall be entitled to such priority, as the Harbormaster may deem appropriate. Previously registered permit holders who file application for relocation of mooring space, float or out-haul shall be given priority within the same mooring field unless the size and type of boat interferes with the orderly development of such mooring area. The Application Fee is \$15.00 per request. Applications are available at the Marion Town House or from the Harbormaster.
- 13) Increase in boat size: All permit holders who plan to put a larger boat on their mooring in Marion waters must file a Town-issued application form with the Harbormaster to receive his authorization. Failure to comply with this Regulation can result in forfeiture of the mooring permit. The Application Fee is \$15.00 per request. Applications are available at the Marion Town House or from the Harbormaster.
- 14) Assignment of mooring space: All assignments of mooring space shall be made by the Harbormaster. At such time as a mooring space shall become available within Marion waters, the Harbormaster shall assign the space to an applicant from the waiting list, with due consideration to the date of application and physical characteristics of the vessel (size and type), providing that the applicant has met the requirements under #10 and 11 of this section from the date of application to such time mooring space becomes available. If the applicant refuses the mooring space, his/her name may be removed from the Waiting List.

#### **IV. Moorings**

##### *A. Placement of moorings*

- 1) Moorings will be placed in Marion Harbor in designated mooring areas only under the direction of the Harbormaster. Mooring positions can be adjusted to improve clearance between boats only under the direction of the Harbormaster.
- 2) The Harbormaster or his designee shall be present during the placement of any mooring for the purpose of recording the latitude and longitude of the mooring location. The person who is installing the mooring shall notify the Harbormaster within 48 hours of the mooring placement to ensure that the Harbormaster or his designee can be present. (approved 12/6/05)
- 3) The Harbormaster may authorize non-compliance with any of these waterways regulations if he determines that temporary extenuating circumstances exist that would preclude compliance with these waterways regulations

##### *B. Commercial Moorings*

- 1) These moorings shall comply with all ordinances of the Town of Marion.
- 2) Marion, Massachusetts Waterways Regulations apply to all moorings.
- 3) The mooring permit holder will be registered as the assignee of the Harbor space.
- 4) The seasonal lessee will be registered with the Harbormaster as prescribed by the Marion Board of Selectmen.
- 5) Size and type of moorings must meet tackle requirements prescribed for private moorings. In addition, maximum length of vessel must be displayed on buoy.
- 6) Holders of commercial mooring permits are not allowed to rent moorings to boat owners who have not paid their boat excise taxes.
- 7) Additional commercial moorings may not be placed in Marion waters. If commercial moorings are removed or forfeited, they may not be replaced with commercial moorings. Existing commercial mooring permits may be transferred to marine related businesses with approval from the Harbormaster. Additionally, commercial mooring permits may be transferred within the immediate family {see III, A, 5}, but the commercial mooring permit will be changed to a personal mooring permit and is not to be used for rental purposes.
- 8) A mooring established before 1984 for the purpose of rental may continue in such use for the life of the current permit holder. Commercial mooring permit holders are responsible for obtaining the appropriate Local, State, and Federal licenses for those moorings.

#### C. *Transient Moorings*

- 1) Commercial Moorings that are not rented as of July 1st may be used as a Transient Mooring for the remainder of the season.
- 2) Commercial mooring holders are required to pay the difference between the Commercial Mooring fee and the Transient Mooring fee for each mooring utilized under this section.
- 3) These moorings shall be identifiable by such color as determined by the Harbormaster.
- 4) Commercial mooring holders will notify the Harbormaster's Office when a transient vessel is placed on these moorings and will provide the following information:
  - a) Vessel name
  - b) Emergency contact number for vessel staying more than 24 hours and intended departure date.
- 5) Transient vessels mooring in Marion waters in excess of 14 days are subject to per foot fees.

#### D. *Annual Mooring Fees*

• Personal	\$ 70.00 + \$5.00 per foot {length overall – LOA}
• Personal Non-Resident	\$ 70.00 + \$5.00 per foot (length overall – LOA)***
• Commercial	\$180.00 + \$5.00 per foot {length overall – LOA}
• Commercial Non-Resident	\$180.00 + \$5.00 per foot (length overall – LOA)***
• Transient	\$400.00
• Mooring Establishment Fee	\$ 50.00
• Late Payment Fee	\$100.00

\*\*\*A 'Boat Owner Sticker' fee of \$100.00 applies to each mooring, rack, slip and/or berth (amended 8/5/2008) occupied by a non-resident/non-taxpayer. A resident is a person who proves they are either legally domiciled or owns taxable real estate with a dwelling in the Town of Marion. Please note: *Living with a resident/taxpayer for the summer does not qualify a mooring occupant for a resident mooring permit {family members included}*. One additional 'Boat Owner Sticker' may be purchased at a cost of \$100.00. Please note: *Taxpayers who own*

*land only, will have to purchase a Boat Owner Sticker, as they do not qualify for a Marion Resident Sticker.*

*E. Mooring Fee Payment Policy*

- 1) Payment is due by May 15th – postmarked or received in hand.
- 2) Failure to pay the mooring permit fee by May 15th will result in a late charge of \$100.00 per mooring.
- 3) Failure to pay the mooring permit fee and the late charge by May 30th {postmarked or received in hand} will result in the cancellation of the mooring permit.
- 4) Responsibility for prompt payment of mooring fees is the sole responsibility of the mooring permit holder.
- 5) Mooring re-registration forms are mailed out on April 1st. ***If you do not receive yours, it is your responsibility to check on its whereabouts. A second notice will be sent via certified mail on or about May 16th to all mooring permit holders whose mooring payments have not yet been received.***
- 6) ***The permit holder is responsible for reporting an address change to the harbormaster.***

*F. Forfeiture Of Mooring Permit*

Any permit holder shall be deemed to have forfeited his mooring permit by any one of the following:

- 1) Removal of tackle by permit holder and notification to the Harbormaster that the space is available.
- 2) Failure to replace any substandard mooring tackle after notification by the Harbormaster. {See IV, K, 3}
- 3) Failure to buoy or restore mooring within sixty {60} days after being notified by the Harbormaster that the mooring is submerged. In the event that a mooring is lost, the permit holder must report the loss to the Harbormaster as soon as possible.
- 4) Failure to comply with the Town's Mooring Fee Payment Policy {see Item VI}.
- 5) Violation of these Regulations as they relate to use of personal moorings.
- 6) Vacancy, abandonment, or non-use of a personal mooring for a period exceeding one {1} year.
- 7) Failure to pay any Marion Waterways Regulations Non-Criminal Violation Citation{s}.

*G. Abandonment Of Tackle*

Any mooring permit holder who abandons or forfeits a mooring space is responsible for removing and disposing of the tackle.

*H. Waiting List*

The Harbormaster shall maintain a Waiting List in his office and in the Marion Town House showing the names of persons desiring mooring space, date of application, the area in which such space is desired, and the size of boat for which the mooring space has been requested. This List shall include all persons making application for new mooring space or for relocation.

*I. Numbering*

Each mooring in Marion Harbor will be assigned a number by the Harbormaster. This number must be a minimum of three {3} inches in height and must be displayed in a contrasting color on each mooring buoy and on the pickup buoy. Numbers assigned will be keyed to mooring areas. There will be eight areas:

1. Marion Inner Harbor – north of Ram Island
2. Blankinship Cove – cove north of Meadow Island
3. Planting Island Cove – cove south of Meadow Island
4. Wing's Cove – water between Piney Point and Great Hill Point
5. Weweeantic River – from Great Hill Point to highway bridge
6. Aucoot Cove – Converse Point west to Town line
7. Hammett's Cove
8. Outer Harbor

#### *J. Specifications For Tackle*

Mooring tackle shall meet the following minimum requirements. It is the responsibility of the mooring permit holder to meet these guidelines and any deviation must be approved in advance by the Harbormaster.

- 1) Anchor:
  - a) For boats of twenty-five {25} feet length overall {L.O.A.} and greater {length overall includes bowsprits, boomkins, etc.}: The anchor shall be of the helix type. This is an embedded anchor which is screwed into the bottom to a specified level of torque. It must be installed by an installer approved by the Marion Harbormaster. The Harbormaster shall determine the installation requirements.
  - b) For boats whose L.O.A. is less than twenty-five {25} feet; the mooring anchor shall be a helix anchor, a mushroom type, or a dead weight. To determine the minimum weight:
    - I. Mushroom: Length overall {L.O.A.} x beam {ft.} = minimum mooring weight {lbs.}.
    - II. Dead weight: If dead weight is used, multiply the mushroom weight by a minimum of four {4}. The dead weight must have an eye for attachment of the chain. This eye must be 1" in stock diameter for up to 2,000 lb. anchors or 1 ¼" for anchors over 2,000 lbs.
- 2) Special Requirements For Conversion To Helix Anchors:
  - a) Mooring permit holders with boats of L.O.A. twenty-five {25} feet or greater are required to convert to helix anchors prior to the next inspection due date or any other mooring event such as change of vessel, change of permit holder, or relocation.
  - b) The installer must be approved by the Harbormaster and follow his guidelines for installation.
  - c) OLD MOORING TACKLE MUST BE REMOVED FROM THE SITE.
  - d) Existing chain, shackles, pennant etc. may be used if they pass inspection.
- 3) Chain and Pennant:
  - A. The total length of pennant and chain, measured from the anchor to the bow chock with the pennant normally made fast, shall be determined as follows:
    - I. Helical anchors: 4.0 – 4.5 times the depth at mean low water plus ten {10} feet, plus freeboard at the mooring chock.
    - II. All others: 5.5 to 6.0 times the depth at mean low water plus ten {10} feet, plus freeboard at the mooring chock.

- B. If chain is used in pennant, its minimum size is indicated in Table 1. Wire rope cable, if approved by the Harbormaster, may also be used as pennant. Thimbles shall be used in all splices, fastenings, and shackles, etc. Chafing gear at least one foot long shall be used on each pennant. Shackles shall be properly wired to prevent pins from backing out. A mooring permit number issued by the Harbormaster must be displayed on the pick-up float.

Note: If swivels are used they must be a minimum of one {1} size larger than the required chain size.

TABLE 1

<i>Boat Length</i>	<i>Bottom Chain</i>	<i>Top Chain</i>	<i>Pennant*</i>
Up to 16 feet	3/8 inch	3/8 inch	½ inch
16 ft – 24 ft	3/8 inch	3/8 inch	5/8 inch
24 ft. – 36 ft	1/2 inch	3/8 inch	3/4 inch
36 ft - 50 ft	3/4 inch	1/2 inch	1 inch
over 50 ft	System requires approval by the Harbormaster prior to installation		
	*NOTE: Polypropylene, manila, and hemp are not allowed.		

*K. Inspection Procedures*

- 1) All Marion moorings must be inspected at least once every three {3} years by a certified inspector. Inspections conducted by the mooring permit holder are not acceptable. Inspections may be made by diving or hauling for visual inspection.
- 2) All reports filled out by an inspector must include the latitude and longitude of the mooring location. The only report that will be accepted will be the Town of Marion Mooring Inspection Form. (approved 12/6/05)
- 3) If an inspection reveals that any tackle has become damaged or worn by one-third of its normal diameter, the tackle shall be replaced accordingly. If the inspector should correct the deficiencies, then he or she shall file a follow-up report indicating when the tackle was replaced. If the mooring permit holder chooses to replace their own tackle then he or she must forward proof of the tackle replacement to the Harbormaster's Office. If the information received from the permit holder is not acceptable, then the Harbormaster or his designee will conduct a visual inspection to ensure compliance. Failure to correct deficiencies shall be grounds for revocation of the mooring permit by the Harbormaster.

*L. Winter Mooring Spars/Sticks*

Winter mooring spars shall be readily visible in a vertical position above the water at all times, a minimum of twelve {12} inches showing. The mooring permit number must be displayed on the winter stick. Such winter sticks shall be removed not later than June 15th of the succeeding year. If the winter stick is not removed by June 15th, the Harbormaster will notify the permit holder in writing. The permit holder will then have two {2} weeks to comply. Failure to comply may result in loss of the mooring space. Winter spars shall be set not earlier than Labor Day.

*M. Qualification Of Inspectors*

Any person upon application to the Harbormaster and demonstration to him of his familiarity with the Rules and Regulations of the Town relating to mooring tackle inspection may be appointed a certified inspector by the Harbormaster. If the Harbormaster determines that the

inspector has failed to exercise due diligence in performing his duties as an inspector, the Harbormaster may revoke the appointment.

## **V. Floats**

### *A. Float Regulations*

- 1) No floats shall be placed in Marion waters without approval of the Harbormaster.
- 2) Floats installed prior to January 1, 2004 will be approved if they meet minimum established regulations.
- 3) Each float must have a separate permit number. One for each float in the series.
- 4) Floats cannot rest on the bottom at times of low tide.
- 5) Floats cannot be stored on or dragged across a salt marsh.
- 6) Floats and tackle must be maintained in accordance with standard safety requirements.
- 7) Changes in floats size and additional floats must have approval from the Harbormaster before installation.
- 8) Each vessel, secured to a float, sixteen (16') feet or over must obtain a harbor permit and provide the information as indicated in the application and a fee of five dollars (\$5.00) per foot will be assessed.
- 9) Each float bottom anchored in the waters of the Town of Marion will be assessed a one hundred (\$100.00) dollar per float annual fee.
- 10) Payment of fee shall be made by May 15th and the same policy as established in the Town of Marion Waterways Regulations shall apply.
- 11) Boats in marinas at floats or in slips will be assessed a five (\$5.00) dollar per foot fee.
- 12) It is the float owner's responsibility to notify the Harbormaster of a new boat sixteen (16') feet and over occupying a float, which is owned by them or allowed to be secured at the float.
- 13) Piled held floats in exposed areas must be secured by a mooring system or helix capable of holding the float in the event of pile held failure.
- 14) Vessels cannot go aground at time of low tide.
- 15) Floats must have a permit number visible, three (3) inches in size of contrasting colors and shall be placed facing seaward.
- 16) Access across, storage on, and/or damage to a salt marsh will not be permitted.
- 17) The right to shellfish must be considered.
- 18) Permit sticker for vessels secured to a float must be attached to the inside of the transom or other visible location.
- 19) If further use is not needed or permit is revoked, owner must remove tackle within thirty (30) days or it will be removed at the owner's expense.

### *B. Annual Float Fees*

- 1) \$100.00 each (not to exceed \$ 500.00) **and** \$5.00 per foot on all boats 16 and over secured to the float
- 2) Payment received is for the current calendar year with the payment policy established by the Town of Marion Waterway regulations

### *C. Float Fee Payment Policy*

- 1) Payment is due by May 15th – postmarked or received in hand.
- 2) Failure to pay the float permit fee by May 15th will result in a late charge of \$100.00 per float.



- 3) Failure to pay the float permit fee and the late charge by May 30th {postmarked or received in hand} will result in the cancellation of the harbor permit for the float.
- 4) Responsibility for prompt payment of the harbor fees is the sole responsibility of the permit holder.
- 5) Harbor permit re-registration invoices are mailed out on April 1st. *IF YOU DO NOT RECEIVE YOURS, IT IS YOUR RESPONSIBILITY TO CHECK ON ITS WHEREABOUTS.*
- 6) The permit holder is responsible for reporting an address change to the Harbormaster's office.

#### *D. Forfeiture Of Float Harbor Permit*

Any permit holder shall be deemed to have forfeited their harbor float permit by any one of the following:

- 1) Removal of float tackle by permit holder and notification to the Harbormaster that the space is no longer used.
- 2) Failure to replace any substandard mooring tackle after notification by the Harbormaster.
- 3) Failure to restore float mooring within sixty (60) days after being notified by the Harbormaster. In the event that mooring tackle equipment is lost, the permit holder must report the loss to the Harbormaster as soon as possible.
- 4) Failure to comply with the Town's Mooring float payment policy (see item IV, C).
- 5) Violation of these Regulations as they relate to use of floats.
- 6) Abandonment of float in excess of 1 year.
- 7) Failure to pay any Marion Waterways Regulations Non-criminal Violation Citation(s).

#### *E. Specifications For Float Tackle*

Mooring tackle shall meet the following minimum requirements. It is the responsibility of the Harbor float permit holder to meet these guidelines and any deviation must be approved in advance by the Harbormaster.

- 1) The mooring anchor shall be either a mushroom type, dead weight, or helix type capable of securing the float system under storm conditions.
- 2) Chain suitable to hold the float. Minimum of 3/8", however 1/2" is recommended
- 3) Chain must be maintained.

#### *F. Float Inspection Procedures*

For inspection procedures refer to Section IV, M of the Marion Waterways Regulations.

### **VI. Out-Hauls**

#### *A. Out-Haul Regulations*

- 1) Out-hauls shall not interfere with navigation.
- 2) Access must be legally obtained with proof if required.
- 3) Length of vessel shall be less than thirteen (13) feet.
- 4) Vessel cannot go aground at time of low tide.
- 5) Mooring must have a permit number visible, three (3) inches in size of contrasting colors.
- 6) Access areas, storage on and damage to a salt marsh will not be permitted.
- 7) The right to shellfish must be considered.
- 8) Permit sticker must be attached to the inside of the transom of the vessel.

- 9) If further use is not needed or permit is revoked, owner must remove tackle within thirty (30) days or it will be removed at the owner's expense.

*B. Numbering Out-Hauls*

Each Out-haul in Marion waters will be assigned a number by the Harbormaster. This number must be a minimum of three (3) inches in height and must be displayed in a contrasting color on each mooring buoy and on the pickup buoy.

*C. Specifications For Out-Haul Tackle*

Mooring tackle shall meet the following minimum requirements. It is the responsibility of the Harbor Out-haul permit holder to meet these guidelines and any deviation must be approved in advance by the Harbormaster.

- 1) The mooring anchor shall be either a mushroom type, or a dead weight.
- 2) Chain shall be a minimum of 3/8"

*D. Annual Out-Haul Fees*

- 1) Out-hauls annual fee       \$ 75.00
- 2) Payment received is for the current calendar year with the payment policy established by the Town of Marion Waterway regulations.

*E. Registration of Out-haul Space*

All out-hauls shall have a number assigned that will be visible above the mooring.

*F. Placement of Out-hauls*

- 1) No Out-haul shall be placed in Marion waters without approval of the Harbormaster.
- 2) Out-hauls installed prior to January 1, 2004 will be approved if they meet minimum established regulations.

*G. Out-Haul Fee Payment Policy*

- 1) Payment is due by May 15th – postmarked or received in hand.
- 2) Failure to pay the Out-haul permit fee by May 15th will result in a late charge of \$100.00 per out-haul.
- 3) Failure to pay the harbor Out-haul permit fee and the late charge by May 30th {postmarked or received in hand} will result in the cancellation of the harbor permit for the Out-haul.
- 4) Responsibility for prompt payment of the fees is the sole responsibility of the permit holder.
- 5) Harbor permit re-registration invoices are mailed out on April 1st. ***If you do not receive yours, it is your responsibility to check on its whereabouts.***
- 6) The permit holder is responsible for reporting an address change to the harbormaster's office.

*H. Forfeiture Of Out-Haul Harbor Permit*

Any permit holder shall be deemed to have forfeited his harbor Out-haul permit by any one of the following:

- 1) Removal of Out-haul, tackle by permit holder and notification to the Harbormaster that the space is no longer used.
- 2) Failure to replace any substandard out-haul tackle after notification by the Harbormaster.
- 3) Failure to buoy or restore Out-haul within sixty (60) days after being notified by the Harbormaster that the Out-haul is submerged. In the event that mooring tackle equipment is lost, the permit holder must report the loss to the Harbormaster as soon as possible.
- 4) Failure to comply with the Town's Out-haul payment policy.
- 5) Violation of these Regulations as they relate to use of Out-hauls.
- 6) Abandonment of Out-haul in excess of 1 year.
- 7) Failure to pay any Marion Waterways Regulations non-criminal Violation Citation(s).

#### *I. Out-Haul Inspection Procedures*

For inspection procedures refer to sections XII and XIII of the Marion Waterways Regulations.

### **VII. Anchoring**

- 1) Anchoring within Sippican Inner Harbor will be limited to the designated area north of Ram Island which will be so marked unless otherwise approved or directed by the Harbormaster.
- 2) No vessel will be allowed to anchor in Marion waters utilizing her own ground tackle and be left unattended. The owner or operator and party may go ashore but shall not leave the area unless they or their designee are available to tend the vessel in the event of heavy weather. Anchoring for more than 3 days requires permission from the Harbormaster.

### **VIII. Rafting**

Rafting is limited to three {3} vessels on a single mooring and will only be allowed providing it does not interfere with adjacent single moorings or anchorages. Boats in raft shall be manned at all times and limited to three {3} boats with the center boat made fast to the mooring. Rafting for more than 3 days requires permission from the Harbormaster.

### **IX. Rules For Operating Boats In Marion Waters**

- 1) Speed in all mooring areas: NO Power Vessel shall operate at a speed which shall cause a wash or wake that may endanger other property or life and in no event shall any boat exceed a speed limit of five {5} knots in any mooring area.
- 2) Water sports are prohibited in all mooring areas.
- 3) Occupation of mooring: At no time shall any vessel be tied to a mooring inconsistent with the mooring tackle regulations. The Harbormaster has the authority to move any vessel violating the provisions of these Waterways Regulations and such movement shall be at the owner's expense. Any owner of a vessel occupying a mooring after December 15th shall obtain prior approval from the Harbormaster.
- 4) Reporting boating accidents: All boating accidents occurring in Marion waters where damage exceeds \$500.00 {five hundred dollars} or results in a death, missing person, or requires medical treatment more than first aid shall be reported to the Harbormaster and to:

Commonwealth of Massachusetts  
Massachusetts Environmental Police  
Safety Bureau

PO Box 1325  
Forestdale, MA 02644  
(508) 564-4961

and also reported to the nearest U.S.C.G. facility if damage is over \$500.00 {five hundred dollars} or results in an injury requiring medical attention.

- 5) Littering: The littering ordinance for the Town of Marion also applies to all Marion waters.
- 6) Lobster pots: No person shall place or maintain a lobster pot or buoy attached thereto within seventy-five {75} feet of a raft, float or pier, or in marked channels located within Marion waters.
- 7) Windsurfing: Windsurfers are not allowed to operate in the main channel or in any swim area. Crossing the channel is allowed but repeated criss-crossing is prohibited.
- 8) Personal Watercraft {Jet Ski}: May only be operated at headway speed or no greater than five {5} knots in any mooring area. Personal Watercraft may not be operated within one hundred fifty {150} feet of any public or private area used for swimming.

#### **X. Piers**

The Town piers – Island Wharf and Old Landing – are primarily for recreational purposes. Use of these piers and floats shall be as posted and under the direct supervision of the appointed Wharfingers and Harbormaster.

#### **XI. Non-Criminal Disposition Of Violations**

Anyone violating any provision of these Regulations shall be subject to a penalty of \$25.00 {twenty- five dollars} for each offense. Each violation of each provision shall constitute a separate offense. For continued violations, each day or portion thereof during which a violation is continued shall constitute a separate offense.

The provisions of the Marion Non-Criminal Disposition Regulation and M.G.L. Chapter 40, Section 21D shall apply to violations of these Regulations.

#### **XII. Enforcement**

These Regulations may be enforced by the Harbormaster, the Shellfish Officer, any Assistant or Deputy Harbormaster or Shellfish Officer, any Marion Police Officer, or any State or Federal Law Enforcement Officer.

#### **XIII. Appeals**

Any person aggrieved by any decision of the Harbormaster may file an appeal with the Marion Board of Selectmen by delivering such appeal in writing to the Marion Town House within fifteen 15} days of the ruling of the Harbormaster. Such appeal shall state specifically the nature of the ruling and the reason why such person is aggrieved.

The Board's decision may be appealed to the Department of Environmental Protection in accordance with M.G.L. c.91A, §10A and /or 310 CMR 9.07 (5). Full compliance with the decision of the Harbormaster and/or Board of Selectmen is required during the pendency of any such appeal.